

## **803 KAR 2:400. Adoption of 29 C.F.R. Part 1926 Subpart A.**

RELATES TO: KRS Chapter 338, 29 C.F.R. 1926.1-6

STATUTORY AUTHORITY: KRS 338.051, 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to adopt occupational safety and health administrative regulations and authorizes the chairman of the board to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes standards to be enforced by the Department of Workplace Standards in the construction industry.

Section 1. Definitions. (1) "Assistant secretary" means Secretary, Labor Cabinet, or Commissioner, Department of Workplace Standards, Labor Cabinet.

(2) "C.F.R." means Code of Federal Regulations.

(3) "Employee" is defined by KRS 338.015(2).

(4) "Employer" is defined by KRS 338.015(1).

(5) "Standard" is defined by KRS 338.015(3).

Section 2. The construction industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Administration, except as modified by the definitions established in Section 1 of this administrative regulation:

(1) 29 C.F.R. 1926.1- 6; and

(2) The amendments to 29 C.F.R. 1926.6 as published in the May 14, 2019 Federal Register, Volume 84, Number 93. (16 Ky.R. 703; eff. 12-15-1989; TAm eff. 8-9-2007; 37 Ky.R. 1055; 1434; eff. 1-3-2011; 40 Ky.R. 152; eff. 10-4-2013; 2839; 41 Ky.R. 271; eff. 9-5-2014; 42 Ky.R. 2968; 43 Ky.R. 334; eff. 9-2-2016; 46 Ky.R. 2709; eff. 9-29-2020.)